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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/954,598	09/12/2001	Tim Goldstein	10007811-1	8279

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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
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EXAMINER

SELBY, GEVELL V

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 08/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/954,598

Applicant(s)

GOLDSTEIN ET AL.

Examiner

Gevell Selby

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2,3</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claim 1-3, 5, 9-11, 17, and 18 is rejected under 35 U.S.C. 102(b) as being anticipated by Ishihama et al, US 5,557,328.**

In regard to claim 1, Ishihama et al., US 5,557,328, discloses a digital camera (see figure 1), comprising:

means for capturing at least one image of a scene (see figure 1, element 16);

means for displaying said at least one captured image (see figure 1, element 30);

means for cropping the displayed at least one captured image (see column 4, lines 8-35: When an image is displayed on the display and the camera is set to zoom-in on or crop the image, an opaque frame line is displayed on the display. The portion inside the frame is the uncropped portion of the image to be magnified and saved into memory. The portion outside the frame is the cropped portion and is excluded from being saved); and

means for storing an uncropped portion of the displayed at least one captured image (see figure 3 and column 4, lines 32-35).

In regard to claim 2, Ishihama et al., US 5,557,328, discloses the digital camera recited in claim 1, further comprising means for deleting a cropped portion of displayed image (see column 4, lines 30-32).

In regard to claim 3, Ishihama et al., US 5,557,328, discloses the digital camera recited in claim 1 wherein said capturing means captures at least two images of the scene (It is inherent that multiple images of a scene can be captured by the image sensing device (16) and stored in the recording medium (24), until the recording medium is full).

In regard to claim 5, Ishihama et al., US 5,557,328, discloses the digital camera recited in claim 1 wherein said at least two images of the scene are captured sequentially in time (It is inherent images are captured sequentially in time in order, since there is only one CCD (16)).

In regard to claim 9, Ishihama et al., US 5,557,328, discloses a method of controlling the operation of a digital camera, comprising the steps of:

Receiving at least one capture image from a photosensor (see column 2, lines 49-53);

displaying the captured image (see column 2, lines 56-58);

receiving cropping instructions for the displayed image (see column 4, lines 8-35: : When an image is displayed on the display and the camera is set to zoom-in on or crop the image, an opaque frame line is displayed on the display.

The portion inside the frame is the uncropped portion of the image to be magnified and saved into memory. The portion outside the frame is the cropped portion and is excluded from being saved); and

storing an uncropped portion of the displayed image (see figure 3 and column 4, lines 32-35).

In regard to claim 10, Ishihama et al., US 5,557,328, discloses the method and computer readable medium recited in claims 9, further comprising the step of deleting a cropped portion of displayed image (see column 4, lines 30-32).

In regard to claim 11, Ishihama et al., US 5,557,328, discloses the method recited in claim 9 wherein said receiving step further comprises receiving at least two captured images from the photo sensor (It is inherent that multiple images of a scene can be captured by the image sensing device (16) and stored in the recording medium (24), until the recording medium is full).

In regard to claim 17, Ishihama et al., US 5,557,328, discloses a computer readable medium (It is inherent the microcomputer (14) stores a control program in a storage medium to use to operate the camera (see column 2, lines 58-60)) of controlling the operation of a digital camera, comprising:

logic that receives at least one capture image from a photo sensor (see column 2, lines 49-53);

logic that displays the captured image (see column 2, lines 56-58);

logic that receives cropping instructions for the displayed image (see figure 3 and column 4, lines 8-35: When an image is displayed on the display and the camera is set to zoom-in on or crop the image, an opaque frame line is displayed on the display. The portion inside the frame is the uncropped portion of

the image to be magnified and saved into memory. The portion outside the frame is the cropped portion and is excluded from being saved); and

logic that stores an uncropped portion of the displayed image (see column 4, lines 32-35).

logic that deletes a cropped portion of displayed image (see column 4, lines 30-32).

In regard to claim 18, Ishihama et al., US 5,557,328, discloses the computer readable medium recited in claim 17 wherein said receiving step further comprises receiving logic that receives at least two captured images from the photo sensor (It is inherent that multiple images of a scene can be captured by the image sensing device (16) and stored in the recording medium (24), until the recording medium is full).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 4, 6-8, 12-16, and 19-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishihama et al., US 5,557,328, in view of Weldy et al., EP 0858208.**

In regard to claim 4, Ishihama et al., US 5,557,328, discloses the digital camera recited in claim 3. Ishihama does not disclose the means for merging the two captured images into the displayed image.

Weldy et al., EP 0858208, discloses a digital camera that captures two electronic images of a scene; digitizes the at least two electronic images on the scene; and combines and processes the at least two digitized electronic images of the scene to produce a combined digital image of a scene with improved performance characteristics (see page 2, lines 39-45). By capturing two electronic images of a scene, it is possible to overcome the spatial resolution and noise problems with small electronic sensor (see page 2, lines 44-45).

It would have been obvious to one of ordinary skill in the art at the time of invention to have been motivated to modify Ishihama et al., US 5,557,328, in view of Weldy et al., EP 0858208, to have means for merging the two captured images into the displayed image in order to overcome the spatial resolution and noise problems with small electronic sensors.

In regard to claim 6, Ishihama et al., US 5,557,328, in view of Weldy et al., EP 0858208, discloses the digital camera recited in claim 4. The Ishihama reference does not disclose at least two images of the scene are captured simultaneously.

The Weldy reference discloses uses two or more image sensors to capture multiple image of a scene simultaneously (see page 5, lines 14-20).

It would have been obvious to one of ordinary skill in the art at the time of invention to have been motivated to modify Ishihama et al., US 5,557,328, in view of Weldy et al., EP 0858208, to have to have two image sensors that capture images of a scene simultaneously in order to create the composite images faster.

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In regard to claim 7, Ishihama et al., US 5,557,328, in view of Weldy et al., EP 0858208, discloses the digital camera recited in claim 3 wherein said at least two images have an overlapping image field (see Weldy: page 2, line 42: Images are of same scene).

In regard to claim 8, Ishihama et al., US 5,557,328, in view of Weldy et al., EP 0858208, discloses digital camera recited in claim 3 wherein said at least two images have substantially the same image field (see Weldy: page 2, line 42: Images are of same scene).

In regard to claim 12, Ishihama et al., US 5,557,328, discloses the method recited in claim 11. Ishihama does not disclose the step of merging the two captured images into the displayed image.

Weldy et al., EP 0858208, discloses a digital camera that captures two electronic images of a scene; digitizes the at least two electronic images on the scene; and combines and processes the at least two digitized electronic images of the scene to produce a combined digital image of a scene with improved performance characteristics (see page 2, lines 39-45). By capturing two electronic images of a scene, it is possible to overcome the spatial resolution and noise problems with small electronic sensors (see page 2, lines 44-45).

It would have been obvious to one of ordinary skill in the art at the time of invention to have been motivated to modify Ishihama et al., US 5,557,328, in view of Weldy et al., EP 0858208, to have the step of merging the two captured images into the displayed image in order to overcome the spatial resolution and noise problems with small electronic sensors.

In regard to claim 13, Ishihama et al., US 5,557,328, in view of Weldy et al., EP 0858208, discloses the method recited in claim 11 wherein said at least two images of the scene are captured sequentially in time (It is inherent images in the Ishihama reference are captured sequentially in time in order, since there is only one CCD (16)).

In regard to claim 14, Ishihama et al., US 5,557,328, in view of Weldy et al., EP 0858208, discloses the method recited in claim 11. The Ishihama reference does not disclose at least two images of the scene are captured simultaneously.

The Weldy reference discloses uses two or more image sensors to capture multiple image of a scene simultaneously (see page 5, lines 14-20).

It would have been obvious to one of ordinary skill in the art at the time of invention to have been motivated to modify Ishihama et al., US 5,557,328, in view of Weldy et al., EP 0858208, to have to have two image sensors that capture images of a scene simultaneously in order to create the composite images faster.

In regard to claim 15, Ishihama et al., US 5,557,328, in view of Weldy et al., EP 0858208, discloses the method recited in claim 14 wherein said at least two images have an overlapping image field (see Weldy: page 2, line 42: Images are of same scene).

In regard to claim 16, Ishihama et al., US 5,557,328, in view of Weldy et al., EP 0858208, discloses the method recited in claim 3 wherein said at least two images have substantially the same image field (see Weldy: page 2, line 42: Images are of same scene).

In regard to claim 19, Ishihama et al., US 5,557,328, discloses the computer readable medium recited in claim 11. Ishihama does not disclose the step of merging the two captured images into the displayed image.

Weldy et al., EP 0858208, discloses a digital camera that captures two electronic images of a scene; digitizes the at least two electronic images on the scene; and combines and processes the at least two digitized electronic images of the scene to produce a combined digital image of a scene with improved performance characteristics (see page 2, lines 39-45). By capturing two electronic images of a scene, it is possible to overcome the spatial resolution and noise problems with small electronic sensors (see page 2, lines 44-45).

It would have been obvious to one of ordinary skill in the art at the time of invention to have been motivated to modify Ishihama et al., US 5,557,328, in view of Weldy et al., EP 0858208, to have the step of merging the two captured images into the displayed image in order to overcome the spatial resolution and noise problems with small electronic sensors.

In regard to claim 20, Ishihama et al., US 5,557,328, in view of Weldy et al., EP 0858208, discloses the machine readable medium recited in claim 18 wherein said at least two images of the scene are captured sequentially in time (It is inherent images in the Ishihama reference are captured sequentially in time in order, since there is only one CCD (16)).

In regard to claim 21, Ishihama et al., US 5,557,328, in view of Weldy et al., EP 0858208, discloses the machine readable medium recited in claim 18. The Ishihama reference does not disclose at least two images of the scene are captured simultaneously.

The Weldy reference discloses uses two or more image sensors to capture multiple image of a scene simultaneously (see page 5, lines 14-20)

It would have been obvious to one of ordinary skill in the art at the time of invention to have been motivated to modify Ishihama et al., US 5,557,328, in view of Weldy et al., EP 0858208, to have to have two image sensors that capture images of a scene simultaneously in order to create the composite images faster.

In regard to claim 22, Ishihama et al., US 5,557,328, in view of Weldy et al., EP 0858208, discloses the machine readable medium recited in claim 21 wherein said at least two images have an overlapping image field (see Weldy: page 2, line 42: Images are of same scene).

In regard to claim 23, Ishihama et al., US 5,557,328, in view of Weldy et al., EP 0858208, discloses the machine readable medium recited in claim 22 wherein said at least two images have an the same image field (see Weldy: page 2, line 42: Images are of same scene).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following art discloses combining image captured by a camera:

US 6,326,995 and US 5,555,324.

The following art discloses cropping images captured with a digital camera:

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US 6,590,590 and US 6,122,409

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gevell Selby whose telephone number is 703-305-8623. The examiner can normally be reached on 8:00 A.M. - 5:30 PM (every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached on 703-308-9644. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

gvs


TUAN HO
PRIMARY EXAMINER